

MC/11/2118

Date Received: 9 August, 2011

Location: Former Police Station, Birling Avenue, Rainham, Gillingham, Kent ME8 7LP

Proposal: Application for a new planning permission to replace extant planning permission MC/2004/2840 (Outline application for construction of a block of flats with associated access and parking (demolition of existing police station) in order to extend the time limit for implementation

Applicant: Kent Police

Agent: DHA Planning Eclipse House Eclipse Park Sittingbourne Road Maidstone ME14 3EN

Ward Rainham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 26 October, 2011.

Recommendation - Section 106 - Approval with Conditions

A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

i) A contribution of £8,531.08 to provide for improvements to the play area and open space at Holding Street and Cozenton Park.

B) And the following conditions: -

1 Approval of the details of the scale and appearance of the buildings, and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. D100A and SD03254-01 and indicative drawing nos. D201, D200A, D101A, D300 and D200 all received on 9th December 2004.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. This schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

8 A desk top study, investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

9 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

12 Before the development hereby permitted commences, an acoustic assessment shall be undertaken evaluating road traffic noise and nearby commercial activities. The results of this assessment shall inform any necessary scheme of noise insulation for the proposed flats. Both the acoustic assessment and scheme of noise insulation shall be submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any part of the development is occupied and thereafter maintained.

Reason: In the interests of residential amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

13 The details to be submitted in pursuance of Condition 1 shall show adequate land, reserved for the parking of vehicles and upon approval of the details, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: In the interests of highway safety in accordance with policy T13 of the Medway Local Plan 2003.

14 The existing pedestrian access from the site onto Berengrave Lane shall be retained unless an alternative access along this boundary is submitted to and approved by the Local Planning Authority. Any such alternative access scheme shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure appropriate provision is made for pedestrians in accordance with policy T3 of the Medway Local Plan 2003.

15 Prior to the commencement of the development, the applicants shall undertake and submit to the Local Planning Authority for written approval a feasibility study in relation to the possibility of installing a pedestrian refuge on Birling Avenue/Berengrave Lane to facilitate pedestrian movement from the site to the High Street. Provided the refuge is capable of being implemented without causing a highway danger, the approved refuge shall be provided prior to the first occupation of any of the flats hereunder approved.

Reason: In the interests of pedestrian safety in accordance with policy T3 of the Medway Local Plan 2003.

16 Prior to the commencement of the development hereby permitted, an air quality assessment shall be undertaken to determine the impact of the Central Medway Air Quality Management Area on the development. The results of the assessment and, if required, the details of a scheme of mitigation measures necessary to ensure an appropriate level of air quality within the development shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy BNE24 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks consent to replace extant planning permission MC2004/2840 which granted permission for an outline application for the construction of a block of flats with associated access and parking (demolition of existing police station) in order to extend the time limit for implementation.

The application seeks approval for means of access and siting only with the other matters of landscaping, design and external appearance reserved for future consideration. The indicative plans submitted with the application show the provision of 22 flats comprising 20 x 2-bed apartments and 2 x 1-bed apartments. The replacement building would be sited to provide a frontage development along both Birling Avenue and Berengrave Lane. It would be closer to the highway than the existing police station is, with distances varying between 8.5 metres at the furthest point and 1 metre at the closest point to the adjacent footpath edge. Vehicular and pedestrian access to the site would remain as existing in the southwest corner of the site leading into the proposed parking court.

The drawings submitted with the initial application also included indicative floor plans and elevations. These plans show a three-storey building of a modern design. Along the front elevation to both roads the site would be laid to grass with a combination of steel railings and brick walls along the boundary at heights of 0.9m and 1.5m. The parking court to the rear is shown to provide 22 spaces (1 per unit) with 2 of these being larger than standard to accommodate drivers with a disability. Enclosed bins stores and cycle stores are also shown to be included.

Since the previous outline approval another application for reserved matters has also been submitted and approved. As such if this application is approved it could result in the implementation of this previously approved reserved matters or allow for a revised reserved matters application to be submitted. The approved reserved matters showed a scheme broadly in line with those indicatively shown on the outline.

Site Area/Density

Site area: 0.1849 hectares (0.457 acres)

Site density: 119 dph (48.1 dpa)

Relevant Planning History

MC/09/1081 Application for approval of reserved matters design, external appearance and landscaping pursuant to outline permission MC2004/2840 for construction of a three storey block comprising of twenty 2-bedroomed and two 1-bedroomed apartments with associated parking and access
Approved 20 October 2009

MC2004/2840 Outline application for construction of a block of flats with associated access and parking (demolition of existing police station)
Approved 31 August 2004

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

4 letters have been received raising the following objections:

- Overdevelopment of the site
- Additional traffic on nearby roads causing highway safety
- Insufficient parking provision
- Loss of light to 5 Berengrave Avenue
- Increase noise and disturbance to 5 Berengrave Avenue
- Building would not be set back from pavement edge unlike most properties in Berengrave Lane
- Impacts on pedestrian and cycle safety

All other matters raised not listed above are non-material

Development Plan Policies

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

Planning Appraisal

Government Guidance in “Greater flexibility for planning permissions 2009”, states that LPA’s should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extending the time period for implementation will, by definition, have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, LPA’s should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission”.

Principles of Development

The site is currently occupied by a vacant former police station building following the centralisation of services across Medway within the new Headquarters for Kent Police at Chatham Maritime. Given that the existing use is not being lost altogether, but simply relocated to a central headquarters building no objection is raised to the loss of the lawful use.

The site does not benefit from an allocation in the local plan however it is considered to be previously developed land within a central and highly sustainable location. As such the broad principle of residential development is acceptable against the provisions of policy H5 of the South East Plan 2009 and policy H4 of the Medway Local Plan 2003.

Street Scene and Design

The application has been submitted in outline form with only access and layout to be considered at this stage and so a detailed assessment of the proposal in terms of design is not appropriate at this stage. The layout of the development shows a building broadly located on a similar footprint to the existing police station and which would address both Birling Avenue and Berengrave Lane. By proposing development in this manner the parking can be screened behind the building and an active frontage along the surrounding footpaths would be provided.

It is considered that a building that replicates the height and bulk of the existing police station would be most appropriate for this site. The indicative plans follow this approach showing reasonable solution for the site.

Accordingly no objections are raised with regards the impacts of the development on the character and appearance of the area and the provisions of policy BE1 of the South East Plan 2009 and policy BNE1 of the Medway Local Plan 2003.

Amenity Considerations

It is understood that the Police Station was for many years not used at full capacity and so the levels of comings and goings associated with it were likely to be lower than one could expect. However it had the potential to operate at higher capacity. The provision of parking at the rear of the site simply replicates the existing situation with the police station. It is considered that the level of traffic generation and noise and disturbance would not exceed that of the police station and therefore the situation would not be made worse through this redevelopment.

The layout of the development and siting of the building are to be considered as part of this application. The drawings show a building close to the boundary with 5 Berengrave Lane, however at ground floor level this is adjacent to an obscure glazed bathroom window and so no objections are raised with regards loss of outlook or daylight. Windows are located at first floor level at 5 Berengrave Lane that face the application site, however the indicative plans illustrate how a building of appropriate scale and design could be delivered that does not cause detrimental impact to the amenities of these residents in terms of outlook, daylight and privacy.

The level of amenity for future residents would be examined at detailed stage however the indicative floor plans submitted with the application illustrate how 22 flats of acceptable size could be accommodated on site. In order to protect residential amenity conditions are recommended regarding noise from the A2 and air quality.

Accordingly it is considered that the proposal would not cause harm to residential amenity and no objections are raised with regards policies BNE2, BNE3 and BNE24 of the Medway Local Plan 2003.

Highways

The proposed access to the site would utilise the existing access for the police station. The siting of the building would allow space to the rear of the site for parking and turning together with covered cycle storage. The new interim residential parking standards indicate that the development should provide 37 parking spaces (32 for residents and 5 for visitors). However, the parking standards allow for a reduction where the site is centrally located close to public transport and local facilities. The site is a short distance from Rainham town centre and a few metres from the A2, which is a strategic bus corridor carrying high frequency services. Furthermore, an evidence-based assessment using average car ownership data from the 2001 census (factored up to 2026 levels) indicates that this development will generate a demand for 18 spaces, which is below the 22 provided.

Accordingly no objections are raised with regards the impacts on highway safety and parking and the provisions of policy T4 of the South East Plan 2009 and policies T1 and T13 of the Medway Local Plan 2003

Contaminated Land

The most recent use of the site could have given rise to contamination and so a condition is recommended that appropriate studies be undertaken. Accordingly no objections are raised with regards the provisions of policy BNE23 of the Medway Local Plan 2003.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligation proposed complies with these tests because it has been calculated based on the nature and quantum of development proposed. Furthermore the scheme provides little amenity space and so it is expected that residents would use nearby areas of open space as identified for leisure purposes. Accordingly no objections are raised with regards the provisions of policy S6 of the Medway Local Plan 2003 subject to securing the following:

- A contribution of £8,531.08 to provide for improvements to the play area and open space at Holding Street and Cozenton Park

Conclusions and Reasons for this Recommendation

The former police station has now been vacant for a number of years following the re-provision of police services at Chatham Maritime. The site is considered previously developed and close to the A2 and Rainham Town Centre. As such the broad principle of residential development is acceptable as long as an improvement to the environment occurs. The layout and access of the development are acceptable in terms of resulting impacts on design, residential amenity and the highway. More detailed design considerations are reserved for future considerations. Accordingly the scheme is in accordance with the adopted development plan, particularly policies H5, T4 and BE1 of the South East Plan 2009 and policies BNE1, BNE2, BNE3, BNE23, BNE24, H4, T1 and T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under officer's delegated powers, but is being reported for Members' consideration due to the number of letters of representation received expressing a view contrary to the officers' recommendation.

Background Papers

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.